

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRANDON BATES,

Plaintiff,

v.

MONTGOMERY COUNTY, *et al.*,

Defendants.

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CIVIL ACTION

NO. 20-2956

ORDER

AND NOW, this 17th day of September 2021, upon consideration of Defendants' Motion to Dismiss (ECF No. 5) and Plaintiff's Response in Opposition (ECF No. 6), **IT IS HEREBY ORDERED AND DECREED** that Defendants' Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. The Motion is **GRANTED** as to Count IV;
 - a. Plaintiff is granted leave to amend the Complaint to remedy the deficiency in this claim;
 - b. This leave to amend applies to this claim only;
2. The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.